

Chapter 7: Juveniles' Rights

This chapter completes the description of conditions of confinement, focusing on access to the community and limits on staff discretion.

Section A covers five assessment criteria: whether juveniles are permitted to make and receive telephone calls; whether staff can open mail only for cause; whether parents are allowed to visit; whether attorneys are allowed to visit; and whether the facility provides volunteer programs. This section examines how often juveniles are permitted to make telephone calls, who may visit the juvenile, how many hours of visitation are scheduled per week, provision of legal assistance to juveniles, and the number of hours of volunteer programming per week.

A. Access to the Community

This section describes the extent to which juveniles have contact with the outside community through mail, visits, and volunteers. Juveniles' access to the community is an important element of normalization. Confinement is a painful experience for juveniles. Access permits juveniles to maintain contact with their families and other individuals from the community. Access also is essential to effective planning for juveniles' reentry into their community. Perhaps most important, practitioners believe that juveniles are less likely to be abused in facilities that are open to the community, because administration and staff of such facilities demonstrate a willingness to be scrutinized and a confidence in the quality of care they provide.

In selecting and defining access standards, we covered both juveniles' ability to reach the outside world and community members' ability to contact the juvenile. Subject to limits set by facility rules, juveniles can initiate contact through phone calls or mail. Other forms of access depend not only on facility rules but also on the willingness of relatives and community members to visit the facility and the availability of services such as legal assistance and volunteer programs.

Assessment Criteria

a) Incoming and Outgoing Phone Calls

Although telephone calls are a less direct form of contact than visits, they are cheaper and easier for many juveniles' families. Policies on phone use usually cover the types of phone calls allowed, the number of calls allowed, and whether phone calls are monitored. The ACA standard on phone calls requires that juveniles be allowed to make and receive phone calls.¹ We used this standard as the basis for our assessment criteria.

b) Mail Opened Only Upon Suspicion

Allowing juveniles to send and receive mail is a commonly accepted practice. Policies on mail usually cover the circumstances under which mail can be opened, read, or censored, but there is no consensus on mail policy among the various available standards. The ACA detention center standard, the ACA training school standard, and the ABA standard all address different combinations of opening, reading, and censoring mail, as well as whether the juvenile must be present while these actions are occurring. Under case law, according to Soler, "a blanket policy of opening children's correspondence

¹ Case law has required facilities to allow juveniles a "reasonable number" of telephone calls (Soler, p. 2-30).

and limiting the persons with whom children in an institution may correspond has been held unconstitutional" (Soler, p. 2-28). Rather than delve into the complexity of the standards, we assessed the question raised by case law: whether staff could routinely open mail or if the facility's policy required suspicion of contraband or some other threat to facility security.

c) Parents Allowed to Visit

The ACA standard on visitation states that juveniles are entitled to receive visits "subject only to the limitations necessary to maintain order and security," a requirement that is difficult to measure objectively.² Instead, facilities that allowed parents to visit conformed with our assessment criterion. We believed that facilities would be most likely to permit visits from juveniles' parents.

d) Attorneys Allowed to Visit

One ACA standard requires facilities to permit juveniles access to an attorney through visits, use of the telephone, and uncensored correspondence. We used whether attorneys were allowed to visit as our assessment criterion because this is the most intrusive form of access of the three. We did not measure the extent to which juveniles have contact with attorneys via telephone or uncensored mail. Facilities that permit visits by attorneys restrict other forms of communication between juveniles and attorneys.

e) Volunteers

The ACA standard on volunteers requires facilities to have a volunteer program. This standard ensures that members of the community can come into the facility on a regular basis. Volunteers may help normalize the environment within the facility, particularly for those juveniles that don't have regular visitors. Furthermore, volunteers can augment programming and provide more individual attention to juveniles. Facilities conform to our assessment criteria if they have any regularly scheduled hours of volunteer involvement.

Although there is a relatively high level of conformance to the parental and attorney visitation criteria, only one-fourth of juveniles are held in facilities that meet all five (Table 7A-1).

² Case law requires facilities to provide at least 1 hour of visitation 2 days per week and to permit visits by parents, attorneys, and other adult relatives (Soler, p. 2-30).

Table 7A-1

**Percent of Juveniles in Facilities That Conform
to Assessment Criteria on Access***

Assessment Criteria	Detention Centers N=18,480 -20,074^f	Reception Centers N=2,373 -2,390^f	Training Schools N=31,522 -35,102^f	Ranches N=6,777 -7,180^f	Total N=59,153 -64,974^f
Incoming and outgoing phone calls^a	44%	52%	58%	70%	54%
Mail only opened upon suspicion^b	63%	78%	68%	56%	66%
Parents allowed to visit^c	100%	100%	100%	100%	100%
Attorneys allowed to visit^d	98%	99%	93%	92%	95%
Volunteer program provided^e	91%	26%	79%	65%	79%
Percent of juveniles in facilities that:					
Conform to all five criteria	27%	12%	26%	22%	25%
Conform to four criteria	46%	42%	50%	45%	48%
Conform to three criteria	25%	45%	20%	27%	23%
Conform to two or fewer criteria	2%	1%	4%	6%	4%

Source: Mail Survey, 1991

^a For information on percent of facilities that conform, see Appendix E, Table E-33.

^b For information on percent of facilities that conform, see Appendix E, Table E-34.

^c For information on percent of facilities that conform, see Appendix E, Table E-35.

^d For information on percent of facilities that conform, see Appendix E, Table E-36.

^e For information on percent of facilities that conform, see Appendix E, Table E-37.

^f Numbers vary according to the number of completed questionnaires.

*Note: Throughout the report, the number of juveniles on whom the tables are based vary due to missing responses to individual questions. (No attempt was made to adjust for nonresponse.)

Only about one-half of juveniles are held in facilities that allow both incoming and outgoing phone calls, and two-thirds of juveniles are held in facilities that only open mail upon suspicion. Almost all facilities allow parents to visit.³ We found, however, that other barriers, such as distance, time, and financial constraints, limit the number of visits juveniles receive. Similarly, although almost all facilities allow attorneys to visit, juveniles usually cannot provide their own attorney and are dependent on outside programs for legal assistance. Seventy-nine percent of juveniles are held in facilities that have volunteer programs. The extent of these programs varies widely, from religious programs of a few hours to full-time programs conducted by educational aides. Volunteer programs are unavailable in some facilities because the administrator does not allow volunteers, because there is a lack of willing volunteers, or because volunteers do not provide programs of interest to the juveniles.

Phone Calls

Juveniles ranked "being able to use the phone" 10th in importance among the 17 topics ranked.⁴ When asked to rate the facility on how well it did in permitting phone use, juveniles gave an average rating of 2.8, or satisfactory.⁵

Most juveniles in facilities that do not meet the standard on phone calls are held in facilities that do not allow incoming calls (Table 7A-2). Facilities may have more difficulty allowing juveniles to receive calls because the juvenile must be located and brought to the phone, possibly disrupting programming. However, facilities were categorized as not allowing incoming calls only if they accepted no incoming calls and not if they merely restricted incoming calls to convenient times.

³ One camp reported that it did not allow any visits. This facility's wilderness program of 28-day canoeing and camping trips made visitation difficult.

⁴ The mean score was 1.5 ($\pm .21$) on the following scale: 1 = essential, 2 = very important, 3 = moderately important, 4 = slightly important, and 5 = not at all important.

⁵ The mean score was 2.78 ($\pm .12$) on the following scale: 1 = outstanding, 2 = very good, 3 = satisfactory, 4 = needs improvement, and 5 = unacceptable.

Table 7A-2**Percent of Juveniles Allowed Incoming and/or Outgoing Phone Calls,
by Facility Type**

	Detention Centers N=19,987	Reception Centers N=2,618	Training Schools N=35,102	Ranches N=7,140	Total N=64,848
Incoming and outgoing calls allowed	44 %	52 %	58 %	70 %	54 %
Only incoming calls allowed	1 %	0 %	0 %	1 %	0 %
Only outgoing calls allowed	50 %	48 %	41 %	22 %	42 %
Neither outgoing or incoming calls allowed	5 %	0 %	1 %	7 %	3 %

Source: Mail Survey, 1991

Three percent of juveniles are not allowed either to make or receive phone calls. Although most facilities allow outgoing calls, they also place limits on the number of phone calls juveniles can make. Most juveniles are allowed at least one phone call a week. One-fifth of all juveniles are held in facilities where there is no limit on the number of calls (Table 7A-3).

Table 7A-3

**Number of Outgoing Calls Allowed Juveniles,
by Facility Type**

	Detention Centers N=19,323	Reception Centers N=1,941	Training Schools N=34,390	Ranches N=7,137	Total N=62,791
No outgoing calls	6%	0%	1%	9%	4%
Less than one call a week	5%	12%	35%	20%	23%
At least one call a week	14%	13%	34%	21%	26%
At least two calls a week	28%	6%	12%	22%	18%
At least one call a day	13%	6%	7%	8%	9%
No limit on # of calls	33%	63%	12%	20%	21%

Source: Mail Survey, 1991

During site visits, we asked facility administrators how often staff monitor phone calls. Policies vary substantially. Most juveniles are held in facilities that rarely or never monitor calls (Table 7A-4), but 24 percent of juveniles (± 9 percent) are held in facilities that monitor all calls.

During site visits we observed many facilities that did not monitor phone calls as a matter of policy, but in which juveniles lacked privacy during phone calls. Hence, the juvenile's side of the conversation could be overheard by staff or other juveniles who were within earshot.

Table 7A-4

**Percent of Juveniles in Facilities,
by Policy on Monitoring Phone Calls**

Always	24%	± 8.6
Usually	3%	± 3.4
Frequently	7%	± 5.3
Rarely	30%	± 9.2
Never	36%	± 9.7

Opening Mail

The most common reason for opening mail is suspicion of contraband (Table 7A-5). Some facilities routinely open all mail to check for contraband. For example, in order to prevent drugs from coming into the facility, one facility responded that it opened all mail, xeroxed it, and gave the copy to the juveniles.

Table 7A-5
Reasons for Opening Mail,
by Facility Type

	Detention Centers N=20,013	Reception Centers N=2,601	Training Schools N=34,629	Ranches N=7,180	Total N=64,423
Mail never opened	5%	0%	3%	6%	3%
Only opened upon suspicion of contraband	58%	78%	65%	50%	63%
For any reason or up to staff discretion	20%	6%	14%	32%	18%
All mail opened	17%	16%	18%	12%	17%

Source: Mail Survey, 1991

Visits

Juveniles rated "getting visits" as the second most important of the 17 ranked topics.⁶ On average, they rated facilities' performance in letting them get visits 2.2 ($\pm .11$) on a 5-point scale, where 1 = outstanding, 2 = very good, 3 = satisfactory, 4 = needs improvement, and 5 = unacceptable. Only 47 percent ($CI \pm 5$) of juveniles interviewed said that they received enough visits. Youth care staff interviewed during site visits estimated that, on average, just 47 percent ($CI \pm .31$) of juveniles had been visited during the past month. Although this percentage is only an estimate, it indicates that there is a sizeable number of juveniles who are not visited regularly.

We collected information on facilities' policies toward other types of visitors as well as toward parents. Table 7A-6 shows the percentage of juveniles that are allowed other visitors in addition to parents.

⁶ The mean score was 1.23 ($\pm .21$) on the following scale: 1 = essential, 2 = very important, 3 = moderately important, 4 = slightly important, 5 = not at all important.

Table 7A-6**Types of Visitors Permitted in Facilities Allowing Visits,
by Facility Type**

Visitors Allowed:	Detention Centers N=20,070	Reception Centers N=2,618	Training Schools N=34,951	Ranches N=7,144	Total N=64,783
Spouses	53%	81%	71%	43%	63%
Siblings	32%	67%	88%	85%	69%
Juveniles' children	38%	78%	83%	54%	66%
Other relatives	55%	97%	90%	80%	78%
Friends	4%	10%	32%	22%	22%
Other visitors	98%	100%	94%	96%	96%

Source: Mail Survey, 1991

Most juveniles are allowed visitors other than their parents, who are universally permitted. The most commonly allowed category of visitors are other relatives. Juveniles in detention centers are less likely than juveniles in other facility types to be allowed visitors other than their parents.

Fifty-six percent of confined juveniles are in facilities that provide 5 or more hours of visitation per week (data not shown). Almost 41 percent are in facilities that provide 1 to 4 hours of visitation per week. Only 3 percent of confined juveniles are in facilities with no regularly scheduled visiting hours. These facilities reportedly make visiting arrangements individually for each juvenile.

According to the site visit data, 95 percent ($\pm .3$) of all facilities also schedule special visiting times for visitors unable to come during regular visiting hours.

While facilities' policies generally do not greatly inhibit visiting, other impediments diminish visitation. During site visits, we also asked juveniles who had visited them during their stay at the facility. Just over 60 percent had been visited by parents, 28 percent by siblings, and 20 percent by grandparents during their confinement. Only 6 percent (± 2 percent) of juveniles interviewed had not been visited at all (Table 7A-7).⁷

⁷ Length of stay was not significantly related to whether juveniles had been visited.

Table 7A-7

**Percent of Juveniles Who Had Received Visits
From Each Type of Visitor During Their Stay**

	Detention Centers	Reception Centers	Training Schools	Ranches	Total
No visitors	4% ± 1%	4% ± 8%	7% ± 4%	7% ± 4%	6% ± 2%
Parents	54% ± 8%	72% ± 15%	65% ± 8%	73% ± 7%	63% ± 5%
Siblings	10% ± 4%	36% ± 18%	37% ± 8%	43% ± 8%	28% ± 4%
Grandparents	14% ± 5%	20% ± 16%	23% ± 7%	29% ± 7%	20% ± 4%
Other relatives	11% ± 4%	16% ± 15%	21% ± 6%	23% ± 6%	18% ± 4%
Friends	3% ± 2%	12% ± 10%	10% ± 4%	12% ± 5%	8% ± 2%

Source: Site Visit Protocol, Juvenile Interviews, 1991

Interviews with staff and juveniles suggested that lack of public transportation, lack of money for travel, and lack of time for long trips all contributed to fewer visits. To get a sense of the distance visitors have to travel, we asked administrators for the average distance between the facility and most of the juveniles' homes. Table 7A-8 shows this average distance, the percentage of facilities accessible by public transportation, the percentage that provide transportation services themselves, and the percentage that offer no form of transportation services.

Table 7A-8

Percent of Juveniles in Facilities With Transportation Services

	N=94-95
Average distance to juveniles' homes	58 mi. ± 20 mi.
Public transportation available	57% ± 10%
Facility transportation services available	41% ± 10%
Neither public or facility transportation available	25% ± 9%

Source: Site Visit Protocol, 1991

One-fourth of all juveniles reside in facilities that are not accessible by public transportation and that do not provide any transportation assistance services themselves. The average distance from juveniles' homes is 58 miles, so lack of transportation would seem to be a significant barrier to visits.⁸ Site visitors noted a variety of transportation services offered by facilities. For example, one facility we visited had a voucher system to reimburse parents for bus fare to the facility. In another, juvenile parole officers visiting residents to help prepare their reentry plans would volunteer to drive parents to the facility if they had no other means of transportation. Such programs are an avenue by which facilities encourage familial involvement and reduce transportation difficulties.

Access to Legal Assistance

Juveniles' access to legal assistance raises issues similar to those brought up by visitation. Just as juveniles do not receive as many visits as they would like despite facilities' flexible policies, often juveniles do not have the means to procure their own counsel without some form of assistance. The Supreme Court has recognized this problem in cases involving adult prisoners. In upholding prisoners' constitutional right to have access to the courts, the Supreme Court has held that this right includes not only unobstructed mail correspondence and visits with attorneys but also that facilities have an "affirmative obligation" toward assuring inmates' access to the courts (Soler, p. 2-33). Toward this end, facilities have been required to provide some form of legal assistance, such as a law library, public defenders, or paralegals. These cases have been brought by adult prisoners, but Soler notes that there have been similar rulings in juvenile cases (Soler, p. 2-34).

Although facilities do not directly provide legal assistance programs, they can encourage outside groups to make services available. Table 7A-9 shows the percentage of juveniles in facilities where some form of assistance in representation is available.⁹

⁸ There was wide variation among facility types on the distance from juveniles' homes. For example, detention centers were, on average, only 5 miles (\pm 2.5 miles) from most juveniles homes. The small sample size of the site visits prevents us from presenting a further breakdown of distance by facility type.

⁹ This assistance includes public defenders, law student organizations, private legal aid organizations, and assistance from State agencies.

Table 7A-9

Percent of Juveniles in Facilities Where Some Form of Assistance in Representation is Available, by Facility Type

	Detention Centers N=20,002	Reception Centers N=2,618	Training Schools N=34,568	Ranches N=6,981	Total N=64,169
Some form of assistance in representation	96%	40%	63%	55%	71%

Source: Mail Survey, 1991

Juveniles may need more legal assistance while they are being adjudicated. Correspondingly, the percentage of juveniles who have access to legal assistance is highest in detention centers. In contrast, only 40 percent of juveniles in reception centers and 55 percent of juveniles in ranches have access to assistance in representation.

Volunteer Programs

There is similarly wide variation among facility types in conformance to the criterion on volunteer programs. Almost all juveniles in detention centers, but only one-fourth of juveniles in reception centers, are held in facilities that have volunteer programs. Fifteen percent of juveniles are held in facilities with over 20 hours of volunteer programming, but most juveniles are held in facilities that have less than 10 hours per week (data not shown). While some facilities have extensive volunteer programs, this suggests that most volunteer programs operate on a smaller scale.¹⁰

On average, administrators of facilities with volunteer programs would like to increase the number of volunteers.¹¹ In discussions on volunteers, administrators mentioned augmentation of staffing levels and programs as examples of the important benefits of volunteer programs. When asked about problems with volunteer programs, administrators listed security concerns, such as supervision, screening,

¹⁰ The CIC survey collected information on the number of staff, including volunteer staff. However, fewer facilities reported having volunteer staff than reported having volunteer programs. This suggests that facilities may have reported in the CIC census only volunteers equivalent to staff. For example, a facility with a volunteer teacher's aide 3 days a week probably would report one part-time educational staff person. A facility with a religious program of five volunteers for 1 hour each week may not have reported those volunteers as volunteer "staff."

¹¹ The mean response on the following scale for changing the number of volunteers was 1.95 (CI .18); 1= increase number greatly, 2= increase number somewhat, 3= stay the same, 4= decrease number somewhat, and 5= decrease number greatly.

or training of volunteers. Facilities that are not in conformance may not have programs because of these potential problems, or they may be unable to find suitable volunteer organizations.

Table 7A-10 shows the percentage of juveniles in facilities where various types of volunteer programs are offered. Volunteers most frequently offer religious programs, followed closely by education and literacy programs. However, these percentages may reflect the availability of volunteers rather than the priorities of the facility. One administrator that we interviewed was frustrated because he had an overabundance of volunteers who wanted to provide religious programs, but he could not find volunteers to bring a literacy program into the facility.

Table 7A-10

Percent of Juveniles in Facilities With Volunteer Programs

Religious	79 % CI \pm 8 %
Education	68 % CI \pm 9 %
Treatment	46 % CI \pm 10 %
Literacy	56 % CI \pm 10 %
Other volunteer groups	35 % CI \pm 10 %

Source: Site Visit Protocol, 1991

Summary Regarding Access to the Community

Conditions related to community access are mixed. Almost all juveniles are permitted visits from parents and attorneys. Most may see other members of their immediate family. But only about one-third of confined juveniles are in facilities with 10 or more hours of visiting scheduled per week. About 6 percent of juveniles do not get visitors while confined, and one-third had not seen their parents at all. Distance to the facility (averaging about 58 miles) and lack of public transportation are the main obstacles to visitation.

Almost 80 percent of those confined are in facilities with some level of volunteer programming. Volunteer programs are least developed in ranches (probably due to the distance from communities in which potential volunteers live) and reception centers (probably linked to juveniles' short-term of confinement). About 70 percent of confined juveniles have access to some form of legal assistance.

One-third of confined juveniles are in facilities in which staff have broad power to open mail, and 46 percent are unable either to place or receive (usually the latter) telephone calls. Just over one-half of confined juveniles are limited to four or fewer telephone calls per month.

The main reason cited by facilities for prohibiting incoming calls involves convenience and security. However, these concerns do not seem to pose insurmountable barriers to allowing receipt of calls during some time of day.

Recommendations Regarding Access to the Community

We recommend that juvenile facilities permit juveniles to receive as well as make telephone calls.

B. Limits on Staff Discretion

Section B examines conformance to seven assessment criteria: whether rules are explained, and a written copy provided, when juveniles enter a facility; whether there is a disciplinary hearing with one level of appeal; whether the administrator must authorize searches; whether isolation is limited to no more than 5 days; whether written reports are required if isolation exceeds 1 hour; whether there is written policy on the use of force; and whether written reports are required for the use of restraints.

Information is presented on time limits for appeals of disciplinary convictions and on elements included in grievance procedures. Information is presented on the authority of line staff to authorize five categories of searches—room searches, frisks, strip searches, body cavity searches, and drug-use tests. Search rates per 100 juveniles per month are presented for each of the 5 types of searches.

Shorter and longer term isolation rates per 100 juveniles per month are presented, along with information on maximum lengths of permitted isolation. The types of restraints most commonly used are described, and rates per 100 juveniles per month are presented for 4 types of restraints—physical, mechanical, medical, and chemical. Information is presented on permitted duration of restraint use and rates of juvenile injury by staff.

Administrators need to structure the amount of discretion they give staff to deal with juveniles who misbehave so that staff maintain adequate control but do not act in arbitrary or abusive ways. In one respect, control is essential to protect juveniles from themselves and others, to prevent escapes, to limit contraband, and to provide an environment in which programming can take place. Procedures that overly restrict staff discretion can undermine these objectives. In another respect, excessive staff control can make rehabilitation difficult. A study by Street (1966) suggests that juvenile facilities with high levels of staff control (e.g., high rates of isolation, searches, and restraint use) may retard rehabilitation of residents. Street found that in custody-oriented juvenile institutions, the proportion of residents adopting negative attitudes (hostility toward staff, conformity to peer pressure, etc.) increases as duration of confinement increases. However, in treatment-oriented institutions, the proportion of residents with positive attitudes increases as length of confinement increases.

Excessive staff discretion can also lead to abuses and subsequent litigation. While litigation may be necessary in some instances to bring about reform, it also can have a paralyzing effect on staff authority. For example, we visited a large training school that recently had entered into a consent decree governing its disciplinary practices. Staff did not clearly understand the limits of their authority under the consent decree and feared being found personally liable for any improper actions. In the past, they had punished juvenile misconduct quickly with lengthy periods of isolation. Now they hesitated to do anything when confronted with situations in which control needed to be established. Juveniles exploited staff uncertainty with constant misbehavior, clearly aimed at testing the limits of staff forbearance. As staff control eroded, juvenile-on-juvenile violence increased, and more residents joined gangs within the facility for protection.

Finally, excessive staff discretion can create confusion and morale problems among staff and residents alike. In a few facilities visited, individual staff enforced behavioral rules in a highly selective and subjective way or decided on their own what behaviors constituted violations and what punishments were appropriate. As a result, the rules juveniles were supposed to obey changed with each staff work shift. Juveniles said they did not know whose rules they were supposed to follow, while staff who tried to enforce the facility's official rules complained that their coworkers' arbitrary decisions undercut their efforts.

We selected four areas on which to assess facilities' limitations on staff discretion: rules and rule enforcement, search authorization, use of isolation, and use of force and restraints.

a) Rules and Rule Enforcement

An ACA standard requires that when juveniles are admitted to a facility, staff must verbally explain facility rules and give them a written copy of those rules.¹² ACA also requires that facilities (except detention centers) provide a disciplinary hearing with at least one level of appeal for juveniles who violate facility rules.¹³ Our assessment criteria are congruent with these standards.

b) Search Authorization

An ACA standard on search authorization requires that facilities have a written policy on searches and that the policy be made available to staff and juveniles. The ABA standard is more substantive: it requires the authorization of all searches by the facility administrator and, further, that searches should be authorized only when there are reasonable grounds to believe there has been a violation of penal law or facility regulations.

We used a modified version of the ABA standard as the basis for our assessment criteria. The ABA standard requires the facility administrator to approve all searches. However, we assumed that the facility administrator in very large facilities might not be able to personally approve all such requests. We further assumed that the standard's intent is to prevent line staff from initiating searches at their sole discretion. Therefore, we judged that facilities conform to the intent of national standards if either the facility administrator or a member of the administrative staff (deputy superintendent, director of treatment, director of security, etc.) authorizes all searches.

c) Use of Isolation

Research has shown that confinement makes adults and juveniles more seclusive, anxious,

¹² Constitutional standards on facility rules do not exist. However, courts have held that facilities must explain rules to juveniles when admitted and must give them written copies of rules.

¹³ Courts have not established specific constitutional requirements for disciplinary hearings in juvenile institutions.

restless, and irritable,¹⁴ especially in the period immediately following initial confinement and during periods of isolation,¹⁵ times associated with higher rates of suicidal behavior.¹⁶

ACA requires facilities to limit time in isolation to no more than 5 days per incident. ACA also requires that facilities file written reports any time a juvenile is isolated for more than 1 hour.¹⁷ Our assessment criteria are congruent with these standards.

d) Use of Force and Restraints

ACA requires that facilities have a written policy that specifies the circumstances in which force can be used and that requires a written report whenever force is used.¹⁸ Another ACA standard requires facilities to file written reports any time a juvenile is restrained.¹⁹ Our assessment criteria are congruent with these standards.

Table 7B-1 shows the percentage of juveniles in facilities that conform to each of these assessment criteria, as well as the percentage of juveniles in facilities that conform to all seven of the criteria that apply to all facilities.

¹⁴ Bukstel and Killman, 1980.

¹⁵ Gibbs, 1987; Benjamin and Lux, 1978.

¹⁶ Danto, 1973; Fraizer, 1989; Schwartz, Fishman, Hatfield, Krisberg, and Eisikovitz, 1987; Warboys, 1984; Feher, 1984; Lucart, 1983; Pabon, 1983; Pappenfort and Young, 1980; Fetrow and Fetrow, 1974; Danto, 1973; and Cottle, 1969.

¹⁷ There are no constitutional standards on use of isolation in juvenile facilities. However, lower courts have ruled that juveniles may be placed in isolation only when they pose an imminent threat to the health or safety of themselves or others, that they should be released from isolation as soon as that threat has ended, and that isolation may not be used as punishment or for staff convenience. Courts have required that isolated juveniles be monitored frequently (usually once every 15 minutes) and be confined in their own rooms, where possible. Lower courts have required facilities to have written policies on use of isolation and have held that, except in emergency situations, juveniles may be isolated only on written orders from the facility administrator or other qualified professional. Documentation of isolation must include the reasons for its use, the duration of isolation, and the juvenile's behavior during isolation.

¹⁸ Constitutional standards do not exist on use of force in juvenile facilities. However, lower courts had ruled against use of certain forms of force—such as grabbing juveniles by the hair, throwing them against walls, or beating them.

¹⁹ The U.S. Supreme Court has ruled that hog-tying juveniles (handcuffing behind the back, shackling feet, then tying the handcuffs and shackles together) is unconstitutional. No other constitutional standards on restraint use have been set. Lower courts have held that restraints should be used only to prevent a juvenile from injuring himself or others and may not be used as punishment or for the convenience of staff. Restraints may not be used in ways that cause injuries and should be applied so as to produce minimum discomfort. Restraints may not be used for more than 30 minutes without an administrator's written authorization. Copies of authorizations must be placed in the juvenile's file, and restrained juveniles must be monitored regularly.

Table 7B-1

**Percent of Juveniles in Facilities That Conform to Assessment Criteria
on Limiting Staff Discretion**

Assessment Criteria	Detention Centers N=12,409– 20,074	Reception Centers N=2,198– 2,618	Training Schools N=26,551– 35,102	Ranches N=5,686– 7,180	Total N=43,501– 64,974
Explain rules; give written copy^a	96%	100%	94%	91%	94%
Disciplinary hearing with one level of appeal^b	NA	84%	79%	59%	76%
Administrator authorizes searches^c	5%	15%	18%	15%	14%
Isolation limited to 5 days or less^d	83%	72%	84%	99%	85%
Written report for isolation over 1 hour^e	95%	100%	98%	95%	97%
Written policy on use of force^f	94%	59%	93%	92%	92%
Written report on use of restraints^g	93%	90%	92%	91%	92%
Percent of juveniles in facilities that conform to all criteria^h	3%	6%	7%	7%	6%
Conform to all but one criteria	38%	19%	47%	44%	43%
Conform to all but two criteria	42%	75%	40%	32%	42%
Conform to all but three criteria	17%	0%	6%	17%	9%

Source: Mail Survey, 1991

^a For information on the percent of facilities that conform, see Appendix E, Table E-38.

^b For information on the percent of facilities that conform, see Appendix E, Table E-39.

^c For information on the percent of facilities that conform, see Appendix E, Table E-40.

^d For information on the percent of facilities that conform, see Appendix E, Table E-42.

^e For information on the percent of facilities that conform, see Appendix E, Table E-41.

^f For information on the percent of facilities that conform, see Appendix E, Table E-43.

^g For information on the percent of facilities that conform, see Appendix E, Table E-44.

^h The criterion on disciplinary hearings are not included in this summary assessment because it does not apply to detention centers. Hence, detention centers are assessed using six criteria, while all other facilities are assessed using seven criteria.

With one exception, conformance is very high in all facility types for four of the criteria—rule explanation, written reports on isolation, written reports on restraints, and written policy on use of force. The only exception is written policies on the use of force in reception centers, where only 59 percent of juveniles are in facilities that conform. Conformance is somewhat lower on two criteria—having disciplinary hearings with at least one level of appeal and limiting isolation to 5 days. Conformance to the search authorization criteria is very low—only 14 percent of all confined juveniles are in facilities where administrative staff authorize all searches.

Only 6 percent of confined juveniles are in facilities that conform to all criteria—including just 3 percent of juveniles in detention centers. This low composite conformance rate is, of course, heavily influenced by the low conformance levels on the search authorization criteria.

In the rest of this section, we discuss each of these assessment criteria in turn, adding supplementary information from the mail survey and site visits.

Facility Rules and Rule Enforcement

If rules are explained to juveniles and they get written copies, it is more difficult for staff to define rules or punishments on an ad hoc basis. Explaining rules and giving juveniles written copies are fundamental steps for fair rule enforcement. As already noted in Table 7B-1 above, 94 percent of juveniles are in facilities that reported that they explained rules and gave juveniles a written copy on admission. During the site visits, we also asked juveniles if facility rules were explained to them when they were admitted and if they received a written copy of the rules. Based on the juvenile interviews, we estimate that rules are explained upon admission to 83 percent (± 4 percent) of confined juveniles, and that 62 percent (± 4 percent) of confined juveniles receive written copies of rules upon admission. While juveniles' responses may, to some degree, reflect recall problems or different conceptions of what an "explanation" involves, the results of juvenile interviews suggest lower conformance than indicated by facilities' responses to the mail survey, especially with respect to giving juveniles written copies of the rules.

During interviews we also asked juveniles if facility rules were enforced the same for all. Seventy percent (± 4 percent) said "Yes."

Table 7B-2 shows the percentage of juveniles in facilities with no disciplinary hearings, with disciplinary hearings that do not provide appeals, and time limits for appeals for facilities that have both disciplinary hearings and appeals.

Table 7B-2

**Percent of Juveniles in Facilities With No Disciplinary Hearings,
Hearings Without Appeals, and Different Time Limits for Appeals**

	Detention Centers N=18,617	Reception Centers N=2,618	Training Schools N=28,454	Ranches N=6,336	Total N=56,025
No hearings	34 %	16 %	21 %	41 %	28 %
No appeals	3 %	0 %	4 %	5 %	3 %
Appeals permitted:					
within 1 day	27 %	42 %	17 %	10 %	21 %
within 1 week	23 %	36 %	27 %	26 %	26 %
within 10 days to 6 weeks	4 %	0 %	17 %	11 %	11 %
No time limit	9 %	6 %	15 %	8 %	12 %

Source: Mail Survey, 1991

The site visits indicate that nonconformance to the assessment criteria for hearings (having hearings with at least one level of appeal) mostly reflects the absence of any form of hearing; where facilities have hearings, they almost always allow appeals. However, the time limits allowed for appeal are often quite short.

The most common time limits for appeals are within 1 day (21 percent of all juveniles) and within 1 week (26 percent of all juveniles). Just 12 percent of juveniles are in facilities with no time limit on appeals.

In terms of grievance procedures, Table 7B-3 indicates the sorts of procedures and assistance that are available to juveniles.

Table 7B-3

Estimated Percent of Juveniles, by Elements of Grievance Process and Forms of Assistance in Filing Grievance

	Estimated % of confined juveniles	95 % confidence interval
<u>Elements of process</u>		
Written notice	83 %	± 7.6 %
Representation	64 %	± 9.7 %
Written findings	78 %	± 8.4 %
Written response	74 %	± 8.9 %
Time limit for decision	64 %	± 9.7 %
Appeal	79 %	± 8.3 %
Staff and juvenile participation	79 %	± 8.3 %
<u>Forms of assistance in filing grievance</u>		
Staff assistance	86 %	± 7.0 %
Advocate/ombudsman	37 %	± 9.8 %
Trained juvenile	20 %	± 8.1 %
Written reference material	34 %	± 9.6 %
Other assistance	10 %	± 5.9 %
No assistance	4 %	± 3.9 %

Source: Site Visit Protocol, 1991

Five elements of grievance procedures—written notice, written findings, written response, appeal, and participation—are available to three-fourths or more of confined juveniles. Two other elements of grievance procedures—representation and time limits on decision—are available to slightly less than two-thirds of confined juveniles. In facilities that permit representation at a grievance hearing, juveniles most often are represented by staff members only (33 percent, ± 11.9 percent), by nonstaff attorneys or advocates (10 percent, ± 7.6 percent), or by either staff or nonstaff attorneys or advocates (40 percent, ± 12.3 percent).

Most often, facility staff are available to help juveniles prepare grievances. Other forms of assistance were relatively uncommon.²⁰

²⁰ During site visits discussions, juveniles and facility staff sometimes indicated that the differences between formal grievance procedures and actual practices were sometimes stark. In one facility, the administrator said she preferred an informal complaint system to the more cumbersome formal grievance procedure. Juveniles, however, vigorously asserted that regardless of which system they used, staff seldom delivered grievances or complaints to the administrator. At another facility, juveniles asserted that staff did not deliver the grievances they filed with the superintendent. When staff were asked about that, they maintained they delivered grievances faithfully and each was acted upon. Unfortunately, juveniles were not notified of actions taken and, hence, could easily get the impression that their grievance had not been delivered.

Searching Practices

If the 30-day period preceding the mail survey was typical, about 610,000 room searches, frisks, and strip searches are conducted each month in all juvenile facilities. While searching may contribute to safety by limiting juveniles' possession of weapons and other contraband, excessive searching creates a demeaning and dehumanizing environment. Three issues seem especially important in assessing searching practices—who can authorize searches, what types of searches are done, and how often searches are performed.

Table 7B-4 shows the percent of juveniles confined in facilities in which line staff are permitted to authorize room searches, frisks, strip searches, body cavity searches, and drug-use tests. More than three-fourths of confined juveniles are in facilities where line staff can authorize room searches and frisks, and just under one-half are in facilities where line staff can authorize strip searches. Few juveniles are in facilities where line staff can authorize body cavity searches. Generally, line staff in detention centers are more likely to have authority to authorize all types of searches, compared to other facility types.

Table 7B-4
Percent of Juveniles in Facilities
That Permit Line Staff to Authorize Searches,
by Type of Search and by Facility Type

Type of Search	Detention Centers N=17,853 -19,930	Reception Centers N=2,448 -2,575	Training Schools N=33,106 -34,949	Ranches N=6,166 -7,070	Total N=59,918 -64,525
Room search	88%	80%	65%	81%	75%
Frisks	92%	85%	73%	72%	80%
Strip search	62%	40%	36%	38%	44%
Body cavity search	7%	4%	1%	7%	4%
Drug-use test	9%	5%	21%	18%	16%

Source: Mail Survey, 1991

Table 7B-5 shows rates of the five types of searches for every 100 confined juveniles in conforming and nonconforming facilities. This table excludes facilities that do not permit, under any circumstances, the five types of searches.

Table 7B-5

Rates of Searches by Conformance to Search Authorization Criteria and by Facility Type

	Detention Centers		Reception Centers		Training Schools		Ranches	
	Administration Authorize	Line Staff Authorize	Administration Authorize	Line Staff Authorize	Administration Authorize	Line Staff Authorize	Administration Authorize	Line Staff Authorize
Avg. rate of room searches, last 30 days, per 100 juveniles	N=1,967 420.73*	N=15,162 952.40	N=512 53.88	N=1,732 43.02	N=10,339 91.32*	N=21,161 211.22	N=1,253 3.30*	N=5,333 101.80
Avg. rate of frisks, last 30 days, per 100 juveniles	N=1,486 665.62	N=14,783 1,258.09	N=389 11.73	N=1,856 130.47	N=7,804 52.76*	N=22,514 1,014.50	N=1,805 9.10*	N=4,299 323.33
Avg. rate of strip searches, last 30 days, per 100 juveniles	N=6,588 145.80*	N=9,130 368.20	N=1,308 28.22	N=930 14.87	N=19,844 22.44	N=11,822 35.63	N=3,926 4.35*	N=2,186 34.35
Avg. rate of body cavity searches, last 30 days, per 100 juveniles	N=14,628 2.25	N=1,004 70.81	N=2,212 .00	N=27 .00	N=30,638 1.07	N=357 31.55	N=5,546 .00	N=444 6.40
Avg. rate of drug tests, last 30 days, per 100 juveniles	N=13,323 6.92	N=1,498 42.03	N=2,074 1.25	N=43 112.12	N=23,434 3.82	N=6,134 12.74	N=5,032 8.60	N=1,204 36.99

* $p \leq .05$

Source: Mail Survey, 1991

Room searches, frisks, and strip searches are the most prevalent types of searches. The rates for room searches, frisks, and strip searches are highest in nonconforming detention centers and lowest in conforming ranches. Drug-use test rates are considerably lower, and highest for nonconforming reception centers (only two facilities, however, fall into this category).

In general, body cavity search rates are very low.²¹ However, body cavity searches occur most often in nonconforming detention centers and training schools. Although body cavity searches are rarely performed, those that are performed usually are authorized by line staff.

Table 7B-5 shows a strong association between search rates and administrators' authorization of searches. To check the possibility that a few facilities with extremely high search rates were skewing the results, we deleted the 5 percent of detention centers and training schools with the highest rates for room

²¹ The mail survey incorrectly included visual inspection of body cavities within the definition of body cavity searches. The rates of body cavity searches reported here may be inflated by that overly broad definition. Hence, the true rate of body cavity searches may be lower than reported here, and the true rate of strip searches may be slightly higher.

searches, frisks, and strip searches and recomputed average search rates. The same patterns were evident: In facilities where administrators authorized searches, rates were lower (data not shown).

There is extreme variation in search rates among facilities. Table 7B-6 summarizes the distribution of rates for room searches, frisks, and strip searches for juveniles confined in detention centers and training schools.

Table 7B-6

**Summary of Rates per 100 Juveniles per Month
for Room Searches, Frisks, and Strip Searches
in Detention Centers and Training Schools**

Type of Search	Detention Centers N=15,960- 17,218	Training Schools N=30,525- 31,762
<u>Room search rates</u>		
First quartile	30.15	.5
Median	247.3	14.8
Third quartile	933.5	142.9
Average	889.1	171.1
Range	0-9,643	0-5,143
<u>Frisk rates</u>		
First quartile	57.7	0.0
Median	262.3	60.4
Third quartile	781.3	384.0
Average	1201.5	762.7
Range	0-21,857	0-11,075
<u>Strip search rates</u>		
First quartile	0.9	0.0
Median	64.8	5.6
Third quartile	226.4	29.9
Average	274.3	27.3
Range	0-3,953	0-540

Source: Mail Survey, 1991

This table shows the first quartile, median, and third quartile for the distribution of juveniles by search rates in detention centers and training schools. The first quartile means that 25 percent of the juveniles are in facilities with rates equal to or lower than the value indicated. For example, 25 percent of juveniles in detention centers are confined in facilities with an average room search rate of 30.15 or less per 100 juveniles per month. Conversely, the third quartile means 25 percent of the juveniles are

confined in facilities with rates equal to or higher than the value indicated. One-half of juveniles are confined in facilities whose average rate is below the median value indicated.

These wide distributions reflect extremely diverse searching practices among detention centers and training schools. For example, one-half of training schools had room search rates of 14.8 per 100 juveniles or less. Yet the average for all training schools was 171.1 per 100 juveniles, more than 11 times higher than the median. The average for all training schools was inflated by a small number of training schools with very high rates. As indicated by the range, the highest rate for training schools was 5,143 per 100 juveniles, which was almost 30 times higher than the average rate for all training schools, and almost 350 times higher than the median rate for all training schools.

While we cannot, on the basis of available evidence, say what reasonable search rates would be, it might be worthwhile to try to understand more fully why facilities pursue such very different policies and whether such extreme differences in practice are reasonable.

Use of Isolation

Our assessment criteria with respect to isolation involved limiting isolation to no more than 5 days and requiring written reports for any cases of isolation for more than 1 hour. Conformance in each criteria was high and almost total with respect to written reports. This section presents more detail on facilities' policies towards and use of isolation.

During pretests of the mail survey, we concluded that it would not be possible to collect accurate data on use of isolation for periods of less than 1 hour.²² As a result, the mail survey asked respondents to report how many times juveniles had been isolated for 1 to 24 hours (which we label "shorter term isolation") and more than 24 hours (which we label as "longer term isolation") in the last 30 days.

As with search rates, the use of isolation varies greatly among facility types (Table 7B-7). Overall, during the previous month there were 57 incidents per 100 juveniles that involved isolation for between 1 and 24 hours, and 11 per 100 juveniles that involved isolation over 24 hours. Shorter term isolation rates were highest in reception centers, with 215 incidents per 100 juveniles. However, that rate was greatly inflated by extremely high shorter term isolation rates in two large reception centers. If those are set aside, detention centers have the highest shorter term isolation rates, with 91 incidents per 100 juveniles. Juveniles confined in detention centers also have the highest rate of longer term isolation, with 16 incidents per 100 juveniles, compared to 12 incidents per 100 juveniles in reception centers and 10 incidents per 100 juveniles in training schools. Juveniles in ranches had the lowest rates of both shorter and longer term isolation.

Eight-two percent of juveniles in ranches are held in facilities that did not use short term isolation in the last 30 days, compared to only 24 percent of juveniles in training schools and 2 percent of juveniles in detention centers. Ten percent of the juveniles in detention centers are held in facilities with 200 or more shorter term isolation incidents per 100 juveniles (the highest rate is 916.7 incidents per 100

²² Most facilities frequently isolate juveniles for periods ranging from a few minutes up to 1 hour in order to let out-of-control juveniles regain control of their behavior. Staff usually are not required to file written reports on use of isolation in these cases. Pretests of the mail survey also suggested that use of isolation for periods of less than 1 hour has minimal effect on juveniles' participation in facility programs. Advisers, however, expressed concern that "time out" is a hidden form of isolation, which potentially could be greatly overused. Because records are so seldom kept on isolation under 1 hour, we know nothing about its prevalence.

Table 7B-7

**Average Rates of Shorter and Longer Term Isolation
for Confined Juveniles, Last 30 Days
by Facility Type**

Type of Isolation	Detention Centers N=19,621 -19,745	Reception Centers N=2,618	Training Schools N=34,073 -34,289	Ranches N=7,180	Total N=63,492 -63,832
<u>Shorter Term</u> Average Rate per 100 Juveniles per Month	91	215	36	7	57
<u>Longer Term</u> Average Rate per 100 Juveniles per Month	16	12	10	2	11
<u>Combined</u> Average Rate per 100 Juveniles per Month	106	227	46	9	68

Source: Mail Survey, 1991

juveniles per month). Ten percent of the juveniles in training schools are held in facilities with 87 or more shorter term isolation incidents per 100 juveniles (the highest rate is 610.6 incidents per 100 juveniles (data not shown).

Overall, 23 percent of confined juveniles reside in facilities that do not permit use of isolation, including 78 percent of juveniles in ranches, 20 percent in training schools, 16 percent in reception centers, but only 3 percent of juveniles in detention centers (Table 7B-8). Thirty-six percent of confined juveniles are housed in facilities that limit isolation to 24 hours or less, including one-half of juveniles in detention centers and reception centers, and 34 percent of those in training schools. Twelve percent of confined juveniles are housed in facilities that permit isolation for up to 1 month, or which do not set limits on isolation, including 11 percent of those in training schools, 28 percent of those in reception centers, and 15 percent of those in detention centers.

Table 7B-8

**Percent of Juveniles Held in Facilities
That Limit Maximum Isolation Period by Written Policy,
by Facility Type**

Length of Isolation Permitted	Detention Centers N=16,504	Reception Centers N=2,367	Training Schools N=31,653	Ranches N=7,108	Total N=57,633
Isolation not permitted	3 %	16 %	20 %	78 %	23 %
24 hours or less	50 %	49 %	34 %	12 %	36 %
2-3 days	26 %	7 %	15 %	7 %	17 %
4-5 days	4 %	0 %	14 %	2 %	9 %
6-10 days	2 %	0 %	6 %	1 %	4 %
1 month	0 %	0 %	7 %	0 %	4 %
No limit	15 %	28 %	4 %	0 %	8 %

Source: Mail Survey, 1991.

Detention centers and training schools that limit the duration of isolation to 5 days or less isolate residents at significantly lower average rates than do nonconforming facilities. Conforming detention centers and training schools are significantly less likely to have used either type of isolation during the 30 days before the mail survey (Table 7B-9).

Nationally recognized standards require that isolated juveniles have access to programs, yet 41 percent of juveniles confined in facilities that use isolation are held in facilities that deny isolated juveniles access to education, 11 percent are held in facilities that deny isolated juveniles access to exercise, and 5 percent are held in facilities that deny isolated juveniles access to counseling (Table 7B-10).

Table 7B-9

**Rates of Shorter and Longer Term Isolation, Last 30 Days,
in Detention Centers and Training Schools,
by Conformance to Criteria Limiting Maximum Isolation to 5 Days**

Type of Isolation	Detention Centers		Training Schools	
	Non Conform N=2,864	Conform N=13,445 -13,540	Non Conform N=4,911 -5,127	Conform N=26,048
<u>Shorter-term</u>				
Avg. rate/100 juveniles, per month	268.87*	60.59	87.24*	19.00
% of juveniles in facilities w/shorter term isolation, per month	99%*	94%	88%*	68%
<u>Longer-term</u>				
Avg. rate/100 juveniles, per month	30.14*	11.94	26.60*	6.48
% of juveniles in facilities w/longer term isolation, per month	87%*	65%	87%*	56%

Source: Mail Survey, 1991

* = $p \leq .05$

Table 7B-10

**Percent of Juveniles in Facilities Using Isolation
That Deny Isolated Juveniles Access to Programs,
by Facility Type**

	Detention Centers N=17,720	Reception Centers N=2,157	Training Schools N=26,940	Ranches N=1,513	Total N=48,330
% held in facilities that deny isolated juveniles access to:					
Education	46%	91%	34%	35%	41%
Exercise	18%	4%	6%	27%	11%
Counseling	6%	0%	5%	0%	5%

Source: Mail Survey, 1991

While the great majority of facilities do not report using long periods of isolation, site visitors observed a few instances in which juveniles were isolated for especially long periods without access to programs. In a large midwestern training school, one juvenile had been held in a segregation unit for 28 days while awaiting a hearing on a transfer motion for trial as an adult on escape and auto theft charges. During that time he spent 22 hours a day alone in his cell. Each day he left the cell for three 20-minute periods to eat and for a 1-hour period to play cards or watch television. He had not participated in education or exercise for the last month and had not seen a counselor, even though he had asked to talk to one.

Use of Force and Restraints

Restraint use is an important topic because improperly applied restraints can lead to injuries—not only to juveniles but also to staff. Improperly applied mechanical restraints, or mechanical restraints that are applied for excessive periods of time, can result in serious injury to juveniles.

Our assessment criteria in this area involved having a written policy on the use of force and requiring written reports when restraints were used. As shown earlier in Table 7B–1, conformance rates were high for each criterion.

Sixty-seven percent of facilities reported using physical restraints²³ in the 30 days before the mail survey, compared to 32 percent for mechanical restraints,²⁴ 2 percent for chemical restraints,²⁵ and 2 percent for medical restraints.²⁶ Overall, responding facilities reported 8,864 uses of restraints during the 30 days before the mail survey, of which 53 percent were in training schools, and 34 percent were in detention centers. Seventy percent of these incidents involved physical restraints, while 24 percent involved mechanical restraints (data not shown).

Forty percent of all facilities reported no use of mechanical restraints in the last year. Detention centers were most likely (72 percent) and ranches were least likely (27 percent) to have used mechanical restraints in the last year (data not shown). Table 7B–11 shows the percentage of juveniles in facilities that report having used various mechanical restraints in the last year. The most common forms of mechanical restraint for all facility types are handcuffs and anklets.

Ninety-eight percent of juveniles in facilities that use restraints are in facilities that use handcuffs—there is little variation by facility type. Sixty-one percent are in facilities that use anklets, ranging from 84 percent in reception centers to 26 percent in ranches. Twenty-six percent are in facilities that use security belts, ranging from 49 percent in reception centers to 10 percent in ranches. Handcuffs

²³ Physical restraint is the use of tackling or holds to subdue an out-of-control juvenile. Physical restraints do not involve use of devices such as handcuffs, shackles, batons, etc.

²⁴ Mechanical restraints are devices like handcuffs, shackles, security belts, padded tie-downs, etc., used to reduce the extent to which an out-of-control juvenile can move.

²⁵ Chemical restraints are substances like Mace or tear gas, which temporarily incapacitate an out-of-control juvenile.

²⁶ Medical restraints are medications administered orally or by injection that will quiet an out-of-control juvenile.

are almost universally used in facilities that permit use of mechanical restraints, while anklets and security belts are most likely to be used in reception centers and least likely to be used in ranches.

Table 7B-12 shows average restraint use rates for juveniles for juveniles confined in different facility types.

Table 7B-11

**Percent of Juveniles in Facilities That Have Used Mechanical Restraints in the Last Year,
by Facility Type**

Type of Mechanical Restraint Used	Detention Centers N=15,740	Reception Centers N=2,291	Training Schools N=26,089	Ranches N=2,692	Total N=46,811
Handcuffs	97%	98%	98%	100%	98%
Anklets	55%	84%	66%	26%	61%
Security belt	18%	49%	31%	10%	26%
Four-point ties ^a	13%	2%	18%	8%	15%
Straight jacket	2%	10%	5%	0%	4%

Source: Mail Survey, 1991

^a In *Hollingsworth v. Orange Co.* (No. 51-08-65, Superior Court, Orange Co., California, 1990) the court ruled that four-point ties cannot be used without medical clearance in advance and that only "soft" restraints may be used.

Table 7B-12

**Average Restraint Use Rates per 100 Juveniles per Month,
by Facility Type**

Type of Restraint	Detention Centers N=16,573–18,132	Reception Centers N=1,672–2,390	Training Schools N=29,784–32,136	Ranches N=6,357–7,057	Total N=55,085–58,589
Physical	13.3	10.5	10.9	7.9	11.2
Mechanical	4.4	5.2	3.9	1.3	3.8
Medical	0.04	0.2	0.05	0.0	.04
Chemical	0.05	2.4	0.7	0.0	0.5

Source: Mail Survey, 1991

Detention centers have slightly higher rates of physical and mechanical restraint use than either reception centers or training schools. However, because training schools house larger numbers of juveniles, they account for a majority of the restraint use incidents. Ranches are least likely to use physical or mechanical restraints. Medical and chemical restraints are rarely used, and almost all incidents of their use occur in training schools.

Overall, confined juveniles are held in facilities with an average physical restraint use rate of 11.2 per 100 juveniles. Juveniles in detention centers have slightly higher average physical restraint use rates (13.3 per 100 juveniles) than those in reception centers or training schools (just over 10 per 100 juveniles). Juveniles in ranches are held in facilities with an average physical restraint use rate of 7.9 per 100 juveniles.

Mechanical restraint rates follow a similar pattern—they are similar for juveniles in detention centers, reception centers, and training schools, and lowest for those in ranches. In general, medical and chemical restraint use rates are extremely low, except for use of chemical restraints in reception centers.

As with isolation and searching, we find great variation in the use of restraints. Thirty-three percent of all facilities did not use physical restraints during the 30 days before the mail survey, and 68 percent did not use mechanical restraints. At the opposite extreme, a small number reported high rates of use. For example, while 36 percent of detention centers did not use physical restraints in the last 30 days, about 10 percent had rates above 38.1 per 100 juveniles per month, with the highest rate being 166.7 per 100 juveniles per month. The pattern is similar for training schools: 18 percent did not use physical restraints in the last 30 days, while 10 percent had rates of 30.1 or higher—the highest rate being 118.8 per 100 juveniles per month (data not shown).

The mail survey asked respondents to describe the maximum period of time mechanical restraints were allowed to be used. Table 7B-13 shows the results.

Table 7B-13

Percent of Juveniles by Maximum Permitted Duration of Restraint Use and by Facility Type

Duration of Permitted Restraint Use	Detention Centers N=16,123	Reception Centers N=1,529	Training Schools N=23,478	Ranches N=3,013	Total N=44,143
15 minutes or less	13 %	59 %	10 %	10 %	13 %
16-30 minutes	19 %	8 %	16 %	2 %	16 %
31-60 minutes	14 %	3 %	13 %	8 %	13 %
More than 1 hour	15 %	17 %	17 %	6 %	15 %
Until juvenile is calm	12 %	9 %	8 %	16 %	10 %
No limit	28 %	4 %	36 %	58 %	33 %

Source: Mail Survey, 1991

In facilities that permit use of mechanical restraint, one-third of juveniles are in facilities that do not limit the duration of their use, and another 10 percent are in facilities that permit their use until the juvenile is calm. Overall, about equal proportions of remaining juveniles in facilities that use mechanical restraints are subject to limits of 15 minutes or less, 16 to 30 minutes, 31 minutes to 1 hour, and more than 1 hour. Reception centers and ranches vary from this pattern. Almost 60 percent of juveniles in reception centers are in facilities that limit mechanical restraint use to 15 minutes or less. Conversely, in ranches that use mechanical restraints, 58 percent of the juveniles are in facilities that do not limit the duration of restraint use, and another 16 percent are in ranches that permit restraints to be used until the juvenile is calm. In training schools, 36 percent of the juveniles are in facilities with no time limit, and another 8 percent are in facilities that permit restraints to be used until the juvenile is calm.

Site visitors occasionally saw restraint use practices that violated standards. In a medium-sized Southern detention center, a site visitor observed a juvenile handcuffed to a bar on the wall of his isolation cell with his feet also shackled. He had originally been isolated in disciplinary segregation for fighting, and staff had applied these restraints as punishment for additional misconduct (the previous evening he had reached under the door of his isolation cell to unplug a staff radio). The restraints prevented him from standing up. The site visitor earlier had observed that the segregation unit was often unattended for extended periods. The juvenile told the visitor that earlier he had yelled for staff to release him so he could urinate. When they did not come, he said that he eventually urinated on the floor. The juvenile said he had no idea how long he would remain handcuffed and shackled.

Site visitors and Abt staff spent 230-person days at the 95 facilities we visited between September 1991 and January 1992. During that time, site visitors or staff observed only one incident in which the use of force by facility staff against a juvenile appeared to be inappropriate and excessive.²⁷ In interviews, only about 5 percent of all confined juveniles said they feared staff.

Eight percent of facilities reported 106 incidents in which juveniles were injured by staff in 1 month. As with staff injuries, when a juvenile is injured by a staff member, costly litigation could result. As shown in Table 7B-14, 13 percent of the training schools reported juveniles injured by staff in the last month. Training schools accounted for 58 of the 106 juveniles injured (55 percent). Rates of juvenile injury by staff are low—0.18 per 100 juveniles per month in all facilities.

²⁷ Pursuant to project policies, the staff member observing this incident presented a written report to the facility administrator describing what happened.

Table 7B-14

**Juveniles Injured by Staff, Last 30 Days,
by Facility Type**

	Detention Centers N=474	Reception Centers N=34	Training Schools N=284	Ranches N=180	Total N=972
Percent of facilities with any juvenile injured by staff, last 30 days	6%	7%	13%	2%	8%
Number of juveniles injured by staff, last 30 days	40	4	58	4	106

Source: Mail Survey, 1991

Summary Regarding Limits on Staff Discretion

There are high levels of conformance to most assessment criteria limiting staff discretion. Well over 90 percent of confined juveniles are in facilities in which (a) rules are explained and written copies provided at admission; (b) written reports are filed when isolation lasts over 1 hour; (c) written policy exists on the use of force; and (d) written reports are filed when restraints are used. Eighty-five percent of juveniles are confined in facilities in which isolation is limited to 5 days or less for individual disciplinary infractions. The area in which we found widespread nonconformance was with respect to the requirement in some national standards that all searches be administratively authorized. Only 13 percent of confined juveniles are in facilities in which administrative staff must approve all searches.

Searches are far more common in facilities in which line staff have the discretion to order searches without first obtaining administrative approval. Explicit limits on isolation time amount to a statement of policy discouraging searches. Facilities that simply limit the maximum time that can be spent in isolation to less than 5 days have lower rates of both short-term (under 24 hours) and long-term (over 24 hours) isolation. The limit seems to be an expression of an overall policy to suppress use of isolation.

It is these policy decisions that seem more at issue than the absence of specific safeguards. Rates of search, of isolation, and of use of mechanical restraints vary substantially across facilities. It seems desirable to attempt to understand better the reasons for and effects of such variations in practice.

Recommendations Regarding Limits on Staff Discretion

We recommend more extensive comparison of conditions in facilities with high and low rates of use of search, isolation, and restraints in order to identify and test the rationales for and effects of these variations in practice.